

REMARKS/ARGUMENTS

A. General:

1. Claim 13 has been amended to recite that the parcel is opened by cutting a corner thereof (see paragraph [0040]); that the particles are shaken and compressed simultaneously (from claims 14 and 15); that the air flow is sampled in real-time (see paragraph [0048]); and that Applicants are collecting particles on a filter using a concentrator and then analyzing the filter periodically as a second-check on the analysis done during the sampling step (from claim 16 and see paragraph [0036]).

2. Claims 19-24 have been added. Support for the new claims is as follows:
19 – see paragraph [0042]; 20-21 – see paragraph [0050]; 23 – see paragraph [0043]; and
24 – see paragraph [0036].

3. Claims 14 - 16 have been canceled.

4. Claims 1 - 12, 17, and 18 having been withdrawn from consideration as the result of the earlier restriction requirement, claims 13 and 19 - 24 remain under examination.

B. §102 Rejection:

The Examiner has rejected claims 13 - 16 under 35 USC §103(a) as being unpatentable over Megerle (US Patent Application Publication 2004/0020264), Akers (US Patent No. 4,275,875), Yoon (US Patent Application Publication 2003/0136203), and Reid et al. (US Patent No. 4,718,268).

Claims 14-16 have been canceled thereby obviating this rejection as to them.

As noted above, Applicants have amended claim 13 to recite the step of cutting a corner of the parcel. This is different from Yoon in that Applicants are not using scissors and, more importantly, Yoon was making the opening to introduce air or gas into the envelope. Applicants make a corner cut on the parcel to allow particles to escape; to create a defined path for egress of any contaminants; to maintain the integrity of the original seal of the parcel; to provide an identifiable indication that the parcel has been screened; and to prolong the blade life of the cutter. See specification, paragraphs [0040] – [0041].

Applicants have further amended claim 13 to recite the language from claims 14-15 that the parcels are simultaneously shaken and compressed. Applicants respectfully submit that agitating a cargo container as disclosed in Reid et al does not, in combination with Megerle, render obvious a method for the rapid screening of parcels in which the parcels are simultaneously shaken and compressed.

Applicants have further amended claim 13 to include modified language from claim 16, now canceled, to recite that the collection of particles on the filter and subsequent periodic analysis is a second-check on the analysis performed during the sampling step. Megerle is not capturing particles in the filter to provide a second-check but rather the filter is there merely to clean the air before it is released. Applicants submit that combining the presence of a filter in Megerle with official notice of confirmation testing to identify false positives does not establish a prima facie case of obviousness but rather, it is respectfully submitted, a case of impermissible hindsight reconstruction.

With regard to the new claims, claims 19-22 are not disclosed by any of the references; claim 23 is allowable at a minimum, because it depends from claim 13 which Applicants submit is allowable as amended; and claim 24 is, like claims 19-22, not disclosed by the cited references.

Based on the above, Applicants submit that Megerle in combination with the other cited references does not render obvious claims 13 and 19-24.

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C. Conclusion:

Applicants respectfully request that a timely Notice of Allowance be issued in this case for claims 13 and 19 - 24.

THE JOHNS HOPKINS UNIVERSITY
Applied Physics Laboratory

By Francis A. Cooch
Francis A. Cooch.
Reg. No. 31,495
Tel.: (240) 228-5640

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